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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,455	07/05/2001	Gerald Francis McBrearty	AUS9-200-0337-US1	4099

7590

08/12/2004

Volel Emile
International Business Machines Corporatin
Intellectual Property Law Department
Internal Zip 4054, 11400 Burnet Road
Austin, TX 78758

EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,455

Applicant(s)

MCBREARTY, GERALD

Examiner

Mylinh T Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 93 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed 05/04/04 has been entered and carefully considered. No claim has been amended. However, arguments regarding rejections under 35 USC 102 to claims (1-30) have not been found to be persuasive. Therefore, these claims are rejected under the same ground of rejection as set forth in the Office Action mailed (0/05/04).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. [US. 6,222,541].

As to claims 1, 11 and 21, Bates discloses means for scrolling the displayed document including a scroll bar (figure 4, 414); means for determining the type of the displayed data being scrolled (column 4, lines 48-55); and means responsive to said determining means for indicating within said scroll bar the type of data being scrolled (column 3, lines 12-25 and column 7, lines 60-66, "Once the current link has been determined, link selection mechanism activates highlight mechanism to update the color of the slider on the scroll bar to correspond with the color of the current link". Each type of data (link) has its own indication (color) in the scroll bar).

As to claims 2, 10, 12, 20, 22, 25 and 30, Bates also discloses said means for scrolling the displayed document in a selected direction (column 10, lines 48-58); said scroll bar indicates the position of the displayed data in the direction being

scrolled (column 9, lines 37-52); and said means for indicating the type of data being scrolled at said position (column 9, lines 37-65).

As to claims 3, 5, 13, 15 and 23, Bates teaches means for indicating the type of data being scrolled is a color indicator (column 7, lines 60-68 and column 8, lines 62-68).

As to claims 4, 14 and 24, Bates also teaches the computer controlled display being a receiving station on the World Wide Web (Web); and displayed document is a Web page (figure 4, column 8, lines 1-30).

As to claims 6-8, 16-18 and 26-28, Bates shows the type of displayed data being indicated is non-ascii text data, non ascii text data are GIF files and said non ascii text data are MIME enclosures (column 4, lines 45-55).

As to claims 9, 19 and 29, Bates also shows the Web page being a HTML page and the type of displayed data being indicated are embedded hyperlinks (column 8, lines 61-68).

Response to Arguments

Applicant has argued that the hyperlink of Bates's system is not the type of displayed data of the invention. However, "the type of displayed data" in the claims is a broad term. Hyperlinks at figure 8 of Bates could be one of the types of data. Applicant also argues types of data including non-ascii text data, GIF files (Graphic Image format) and MIME enclosures (Multipurpose Internet Mail Extension). However, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Applicant's attention is also directed to column 4, lines 43-55. Therefore, the Bates's system still read all the limitations of the invention claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-

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1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

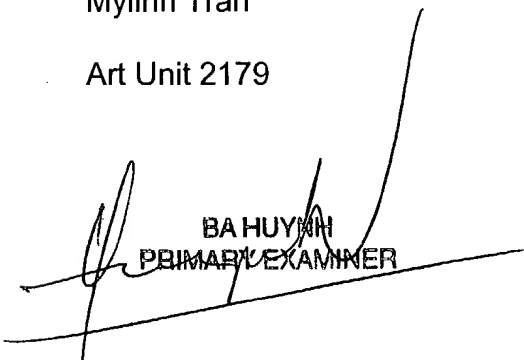
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER